

**DOCKET NO.:** MSFT-0160/142385.01  
**Application No.:** 09/644,667  
**Office Communication Dated:** November 7, 2003

**PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116**

### **REMARKS**

The present Reply is responsive to the Office Communication, dated November 7, 2003, objecting to Applicants' June 30, 2003 Reply because Applicants mistakenly replaced original claim 29 with original claim 30 (leaving no claim 29 and two claim 30s). In this regard, Applicants respectfully request entering of the present Response in view of the corrected inclusion herein of original claim 29, and deletion herein of mistakenly included original claim 30. In all other respects, this response represents the same bona fide attempt at responding to the outstanding April 28, 2003 Official Action. In this regard, Applicants are grateful for the Office's attention to detail in noting the mistake, and for giving Applicants the opportunity to cure the deficiency in the present Reply.

Claims 1-45 are pending in the present application. Claims 1, 22 and 30 are the independent claims. In the After Final Office Action, dated April 28, 2003, claims 1-8, 12-13, 16, 21-23, 27-35 and 39 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,385,706 (Ofek et al.) in view of newly cited U.S. Patent No. 5,644,766 (Coy et al.). Claims 9-11, 14-15, 17-20, 24-26, 36-38 and 40-45 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over primary references Ofek et al. in view of Coy et al. and invariably in further view of "A Simple and Efficient Parallel Disk Mergesort" (Barve et al.), U.S. Patent No. 5,864,863 (Boebert et al.), U.S. Patent No. 5,784,646 (Sawada), "XML: Not a Silver Bullet, But

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a Great Pipe Wrench” (Usdin et al.), U.S. Patent No. 6,343,265 (Glebov et al.), U.S. Patent No. 5,564,037 (Lam) or U.S. Patent No. 6,233, 600 (Salas et al.).

Initially, Applicants wish to gratefully acknowledge the Examiner’s withdrawal of the rejection under 35 U.S.C. § 102, in advancing the prosecution of the present application towards allowance. Applicants also appreciate the extraordinary time and effort the Examiner placed into drafting the April 28, 2003 Official Action. As explained below, however, Applicants feel that the crux of Applicants remarks presented in the February 6, 2003 Amendment was not addressed in the Official Action. Accordingly, Applicants present that position again below.

*Summary of the Invention*

Prior to Applicant’s invention, the state of the art in hierarchical storage management for files did not cover partial migration of files in most contexts, i.e., it address the generic desire of a user to migrate predetermined part(s) of a file from a first location to a second location while retaining other part(s) of the file at the first location. In this regard, the state of the art did not provide a mechanism for specifying those regions of a data stream suited to writes and updates and those regions of a data stream suited to off-line or remote storage. In short, sometimes it is desirable to migrate predetermined part(s) of files to remote storage and to retain other part(s) in local storage and current file servers do not enable specification of which data to keep and which data to export elsewhere.

The present invention provides such partial migration abilities, and meanwhile, preserves the data relationships of the migrated part(s) to the unmigrated part(s) via file system metadata as a roadmap to reconstruction of the original file. Thus, for example, if part of a Word Processing document were partially migrated to remote storage, for example, the file system of the present invention enables operations on the original document in its entirety without regard to the fact that some of the document may have been migrated to remote storage.

*The Meaning of the Term "Migrate"*

In Applicants' February 6, 2003 response, Applicants clarified the term "migrate" and illustrated how the partial migration capabilities of the invention differ from common file system operations available today, and in particular, differ from the systems disclosed in Ofek et al.

Applicants first explained that the terms "migration" or "to migrate" in connection with the present invention are being used in common with their ordinary dictionary usage, meaning "to move from one place, or locality to another." In the context of the migration of data, therefore, the term migration as used throughout the present application means to move the data from one place, or memory location, to another place, or memory location, freeing the memory space previously allocated to store the data for other use.

It was also noted by Applicants that a "move" operation is known in the file system art, and Applicants do not claim to have invented the "move" operation. A prior art move operation merely enables a user of a file system to move a file from a first memory location to a second

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memory location, so that the file is no longer located at the first memory location. Thus, in the case of a move operation, in contradistinction to the present invention, the entire file, file system metadata and data alike are moved from the first memory location to the second memory location. The invention differs from a move operation because the invention enables a partial migration, or partial move, operation wherein only part(s) of a file are moved to a second storage location, while other part(s) of the file remain at the first storage location, generating metadata to describe the new relationships of the file.

Then, Applicants distinguished over another presently existing capability. Namely, today, a user can take a file, and with a presently existing file system, break the file into two or more pieces, and then export, or move, one or more of the pieces to a second location, in which case the original file would then be located in more than one place. However, the invention provides a partial migration ability that distinguishes over such a case as well. With such a presently existing scenario, the user would be creating brand new file system metadata, i.e., new files, for each piece of the file, while losing the information about the old file system metadata. Additionally, the notion of the original file would be lost, since there would no longer be any file system data or metadata that linked the pieces together, as a roadmap to illustrate how the pieces fit together to form the original file. Thus, in short, such a scenario would destroy the notion of the original file to the file system.

Thus, the prior art nowhere teaches or suggests a file system that provides a partial migration capability, wherein **part(s)** of a file can be moved from a first memory location to a

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second memory location, **and** wherein the notion of “the file” stays intact, i.e., the relationships of the migrated data of the file to the unmigrated data of the file is preserved. In this regard, the present invention provides such a system.

*Rejections under 35 U.S.C. § 103*

In the Official Action, claims 1-45 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over primary references Ofek et al. in view of Coy et al. and invariably in further view of any of “A Simple and Efficient Parallel Disk Mergesort” (Barve et al.), U.S. Patent No. 5,864,863 (Boebert et al.), U.S. Patent No. 5,784,646 (Sawada), “XML: Not a Silver Bullet, But a Great Pipe Wrench” (Usdin et al.), U.S. Patent No. 6,343,265 (Glebov et al.), U.S. Patent No. 5,564,037 (Lam) or U.S. Patent No. 6,233, 600 (Salas et al.). The outstanding rejections to the claims are respectfully traversed.

Applicants note that the Official Action does not provide a reason why one of ordinary skilled in the art would be motivated to combine primary references Ofek et al. and Coy et al., but in the interest of advancement of the prosecution of the present application, nonetheless address the outstanding rejections on the grounds presented below. Particularly, Applicants believe that the art of record does not teach or suggest the migration capabilities of the invention, as defined above and recited in the claims.

In reviewing the passages cited in the Official Action, i.e., Ofek et al. at Col. 9, line 54 to Col. 10, line 20, Col. 41, lines 15-18 and Col. 24, lines 1-28, Ofek et al. is understood merely to

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disclose a system relating to backing up a hard drive, in which two things are admittedly taught by Applicants: (1) that one or more files can be copied (not moved or migrated) to a backup location remote from local storage (and thus entire files of the entire hard drive can be copied to a backup location) and (2) that only what has changed on a hard drive from a first time to a second time need be copied to remote storage as part of the backup process and thus only a portion of some files on the hard drive need be copied (not moved or migrated) to remote storage. See, e.g., Fig. 14, block 146 for copy operation. Thus, the representation is not a straight copy operation, since the block set is transmitted as a differential block set for backup recreation purposes. See, e.g., Col. 9, lines 60-65.

In contrast, Applicants' invention provides a file system that enables partial migration of files, not a backup system. In this regard, the new file system of the invention allows users to preserve local storage, and exploit more voluminous remote storage, while making it appear to a user that all the data is in local storage. Applicant submits that no other file system has included the ability to generically migrate portions of files to remote storage.

Thus, nowhere does Ofek et al. teach or suggest:

*migrating the at least one portion to the second storage location*, wherein the migrating includes (A) relocating the at least one portion from the first storage location to the second location and (B) generating additional file system metadata relating to the stream of data; and preserving the stream's data relationships via the additional file system metadata, whereby the

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entire stream of data remains accessible to a user of the file system as if the at least one portion of the stream of data were not migrated according to the migrating (claim 1),

a data structure stored on a computer-readable medium for storing metadata relating to migration characteristics of a stream of data *wherein at least one portion is migrated via a file system from a first storage location to a second storage location* wherein the migration includes relocation of the at least one portion from the first storage location to the second location and generation of additional file system metadata relating to the stream of data, comprising: an identifier identifying the stream of data for which at least one portion is migrated; data representative of the storage service used in connection with the migration of the at least one portion; and data representative of the memory mappings of the at least one migrated portion, whereby the entire stream of data remains accessible to a user of the file system as if the at least one portion of the stream of data were not migrated (claim 22), or

a computer system including a file system for *migrating a portion of a stream of data having associated file system metadata from a first storage location to a second storage location* in a computer system, wherein the migrating means to relocate the at least one portion from the first storage location to the second location and generate additional file system metadata relating to the stream of data, comprising: a hierarchical storage management (HSM) system for administering a stream of data for partial migration; and a source storage location having a stream of data stored thereon being serviced by the HSM system; wherein the HSM system identifies and migrates at least one portion of the stream of data to a target storage location

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according to pre-set criteria and generates metadata for the description of data relationships of the at least one migrated portion, whereby the entire stream of data remains accessible to a user of the file system as if the at least one portion of the stream of data were not migrated according to the migrating (claim 30).

Coy et al. was cited for its teachings relating to migration of data in a hierarchical management system wherein when the amount of data in a storage pool reaches a high occupancy threshold specified by the administrator, data objects can be automatically moved to the next storage pool hierarchy. Coy et al., however, also does not teach or suggest the above-identified features of Applicants' invention. In particular, Coy et al. also does not enable the partial migration of portion(s) of files from a first location to a second location. Coy et al. does not even enable the identification of which files are migrated, merely that those files above a threshold are migrated. See, e.g., Col. 1, line 66 to Col. 2, line 2. Accordingly, neither Ofek et al. nor Coy et al., taken alone or in combination, can be said to teach or suggest Applicants' invention.

In short, Applicants implore for a showing where any of the references cited in the Official Action show a HSM system that enables the identification of and corresponding partial migration of portion(s) of files to another location according to the definition of migration presented herein, and reflected in claims 1, 22 and 30. Claims 2-21, 23-29 and 31-45 depend from claims 1, 22 and 30, either directly or indirectly, and are believed allowable for the same



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reasons. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

### **CONCLUSION**

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official action, and submits that Claims 1-45 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

Date: November 19, 2003

  
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